

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 15, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m. A quorum was not present. A quorum was present at 2:03 p.m. with Council Members Roberts, Hartley, Pratt, and Filner not present. Mayor O'Connor recessed the meeting at 8:19 p.m. to meet in the Special Meeting. The meeting was reconvened by Mayor O'Connor at 8:31 p.m. with Council Member Pratt not present. Mayor O'Connor adjourned the meeting at 8:32 p.m. to meet in closed session at 9:15 a.m., Tuesday, April 16, 1991, in the twelfth floor conference room on personnel and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Bernhardt-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (eb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present

- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-not present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-10: INVOCATION

Invocation was given by Fr. Russell Martin, St.
Dunstan's Episcopal Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

FILE LOCATION: MINUTES

ITEM-30: (R-91-1728) ADOPTED AS RESOLUTION R-277661

Proclaiming April 14-20, 1991, to be National Library
Week in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A060-083.)

MOTION BY McCARTY TO ADOPT. Second by Mayor. Passed by the
following vote: Wolfsheimer-yea, Roberts-not present,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: (R-91-1720) ADOPTED AS RESOLUTION R-277662

Honoring "Kid Safe" an educational program created by
the National Child Safety Council to teach children
emergency procedures and personal safety.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A084-116.)

MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-32:

Three actions relative to Earth Day 1991 presentations:

Subitem-A: PRESENTATION MADE

In the matter of presentations to Student Environmental Poster Contest Winners.

Subitem-B: PRESENTATION MADE

In the matter of City Department presentations on environmental related issues.

Subitem-C: (R-91-1710) ADOPTED AS RESOLUTION R-277663

Adoption of a Resolution proclaiming April 22, 1991 to be "Earth Day" and April 15-22, 1991 to be "Earth Week" in San Diego; urging all residents to recognize the importance of this opportunity which will provide the citizenry with a special occasion to renew its commitment to protect this Earth.

FILE LOCATION: Subitems A, B, C MEET

COUNCIL ACTION: (Tape location: A117-B127.)

MOTION BY McCARTY TO ADOPT AND REFER THE ENVIRONMENTAL ISSUES PRESENTED BY COUNCIL MEMBER McCARTY TO THE APPROPRIATE COMMITTEE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-33: DENIED HEARING

Matter of the request of Richard Vallin, for a hearing of an appeal from the decision of the Board of Zoning Appeals in granting partial approval of his request to amend C-16815, which permitted a second-story addition to a single-family dwelling to observe an 8.5' front yard and fireplace to observe a 7'-0" front yard for a width of 7'-0" where 15'-0" is required and to maintain a garage and living area 32'-0" in length observing a 0'-0" side and rear yards where 4'-0" are required (1) currently to maintain a roof deck and an addition to the garage observing 0'-0" rear yard where a 4'-0" rear yard is required; (2) to maintain the fireplace observing a 6'-0" front yard for a width of 7'-8" where a 7'-0" front yard was permitted; (3) to maintain a wing wall and architectural element observing a 1'-3" front yard at the closest point where a 15'-0" front yard is required, all currently in violation. The subject property is more particularly described as the Northeasterly 45' of Lots 21, 22, 23, and 24, Block 1, Ocean Beach, Map 279, located at 2068 Guizot Street, R1-5000 zone, Coastal Zone, in the Peninsula community planning area.
(Case C-16815. District-2.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE Zoning Appeals Case C-16815

COUNCIL ACTION: (Tape location: B127-138.)

MOTION BY ROBERTS TO DENY THE HEARING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-34: GRANTED HEARING

Matter of the request of James H. Barry and Ruth Dundon, for a hearing of an appeal from the decision of the Board of Zoning Appeals in granting partial approval of their request to maintain four, compact parking spaces for a four-unit, apartment building to (1) observe a 0'-0" street, side yard along Brighton Avenue, where 10'-0" is required; and (2) maintain 100

percent compact parking spaces, where maximum 60 percent compact spaces are permitted. The subject property is more particularly described as a portion of Lots 16, 17, Block 85, Ocean Beach Extension, Map-1080, located at 5110 Brighton Avenue, R-1750 zone, Coastal Zone, Proposition D, Coastal Height Limitation Zone, Beach Impact Nonappealable Area 2.
(Case C-20692. District-2.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE Zoning Appeals Case C-20692

COUNCIL ACTION: (Tape location: B138-B159.)

MOTION BY ROBERTS TO GRANT THE HEARING ON THE FINDING THAT THE DECISION BY THE ZONING BOARD WAS ARBITRARY. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-1319) ADOPTED AS RESOLUTION R-277664

Awarding a contract to All Star Glass for the purchase of auto safety glass, as may be required for a period of one year beginning May 1, 1991 through April 30, 1992, for an estimated cost of \$55,000, with options to renew the contract for three additional one year periods.
(BID-I2093/91)

FILE LOCATION: CONT-PURCHASE All Star Glass
 CONTFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-91-1306) ADOPTED AS RESOLUTION R-277665

Accepting the sole bid and awarding a contract to House of Honda - Kawasaki for the purchase of ten Police motorcycles (Kawasaki KZ1000P) for a total cost of \$68,697.60, including tax, terms and trade-in allowance; authorizing the expenditure of an amount not to exceed \$68,697.60 from Department No. 110, Fund No. 100, Organization No. 386, Object Account No. 6013, and Job Order No. 111519, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-C1989/91)

Aud. Cert. 9100671.

FILE LOCATION: CONT-PURCHASE House of Honda - Kawasaki
CONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-1533) ADOPTED AS RESOLUTION R-277666

Rejecting all bids received on April 19, 1990 for the Construction of Municipal Gymnasium Floor Replacement; inviting bids for the Construction of Municipal Gymnasium Floor Replacement on Work Order No. 119282; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$20,000 from Balboa Park Federal Building Fund No. 39044 to CIP-21-832, Municipal Gymnasium - Improvements; authorizing the expenditure of funds not to exceed \$200,000 from CIP-21-832, Municipal Gymnasium - Improvements, Balboa Park Federal Building Fund No. 39044 (\$20,000) and Balboa Park Municipal Gym Fund No. 39043 (\$180,000), for said contract and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K1278/90A)

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: One bid was received on April 19, 1990, for the replacement of the hardwood gym floor and the replacement of the exterior rear stairway at the Municipal Gymnasium in Balboa Park. That bid was \$268,250, 57 percent over the consultant's estimate of \$171,000. Discussions with contractors who did not submit bids indicated that combining the flooring replacement with the reconstruction of the stairway resulted in fewer bidders willing to undertake the full project. The plans and specifications have been revised to separate the flooring work and the stairway work. The floor replacement will be advertised as a result of this Council action. The stairway replacement will follow, as a separate project, after bids for the floor replacement have been received and the amount of surplus funding has been identified. Separating the two kinds of work should result in more competition and significantly lower bids. Resolution R-275299, which authorized advertising for bids for the previous project, must be rescinded. That Council action included approval of the plans and specifications for the previous project.

Aud. Cert. 9100692.

FILE LOCATION: W.O. 119282 CONT - Clough Flooring CONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-91-1539) ADOPTED AS RESOLUTION R-277667

Inviting bids for the Construction of Broadway Storm Drain at 28th Street on Work Order No. 119346; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$67,000 from CIP-11-250.0, Broadway Storm Drain at 28th Street, Fund 30300, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K2222/91)
(Greater Golden Hill Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The existing drain inlets on Broadway, west of 28th Street, readily plug up with debris due to being undersized. This causes water to pond and the street to flood. The existing connecting storm drain is structurally failing. This project will replace and upgrade the drain inlets and pipe on Broadway, and sleeve the existing drain to the north.

Aud. Cert. 9100737.

FILE LOCATION: W.O. 119346 CONT - East County Pipeline
CONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-91-1540) ADOPTED AS RESOLUTION R-277668

Inviting bids for the Construction of Storm Drain on Camino Estrellado and Navajo Road on Work Order No. 119344; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$104,000 from CIP-11-233, Proposition "A" Fund 30300, Construction of Storm Drain on Camino Estrellado and Navajo Road, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K2223/91)
(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: This project will upgrade the existing drainage system on Camino Estrellado and Navajo Road. The existing system does not pick up surface runoff from the streets east of Camino Estrellado and Navajo Road. This project will construct a storm drain system on Camino Estrellado, consisting of storm drain pipe, cleanouts, and inlets in order to pick up surface runoff on Camino Estrellado before it reaches Navajo Road. This project will improve drainage in the Navajo community area.

Aud. Cert. 9100695.

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FILE LOCATION: W.O. 119344 CONT - ROCA Construction, Inc.
CONTFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-91-1538) ADOPTED AS RESOLUTION R-277669

Inviting bids for the Improvement of Fourth Avenue and
Palm Street Storm Drain on Work Order No. 119684;
authorizing the execution of a contract with the lowest
responsible bidder; authorizing the expenditure of an
amount not to exceed \$54,400 from CIP-17-001, Annual
Allocation - Minor Drain Requirements, Proposition "A"
Fund 30300, for providing funds for said project and
related costs; authorizing the City Auditor and
Comptroller upon advice from the administering
department, to transfer excess budgeted funds, if any,
to the appropriate reserves.
(BID-K2221/91)
(Uptown Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The existing slotted
drain located on the northeast corner of Fourth Avenue and Palm
Street readily plugs up causing water ponding and street flooding
due to debris. This project will upgrade the drain system to
provide two curb inlets, catch basin, and an 18-inch storm drain
to connect the inlets to the existing storm drain system.

Aud. Cert. 9100741.

FILE LOCATION: W.O. 119684 CONT - Ortiz Corporation
CONTFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106:

Two actions relative to Cedar Ridge Park Development:
(Greater North Park Community Area. District-3.)

Subitem-A: (R-91-1542) ADOPTED AS RESOLUTION R-277670

Inviting bids for Cedar Ridge Park Development on Work Order No. 119081; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$168,365 from Park North-East Park Development Fund No. 39095, to CIP-29-639.0, Cedar Ridge Park; authorizing the expenditure of not to exceed \$275,170, from CIP-29-639.0, Cedar Ridge Park, for the purpose of executing the contract and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K2232/91)

Subitem-B: (R-91-1541) ADOPTED AS RESOLUTION R-277671

Certifying that the information contained in Negative Declaration DEP-88-0695, dated August 9, 1988, in connection with Cedar Ridge Park Development, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This project provides the development of Cedar Ridge Park, located at the southerly end of Pentuckett Avenue. The proposed development includes grading, drainage facilities, concrete walks, a small children's play area, security lighting, irrigation, and landscaping and the construction of cul-de-sac street improvements.

Aud. Cert. 9100521.

FILE LOCATION: Subitems A and B W.O. 119081 CONT - M.
Juarez Construction CONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-1674) ADOPTED AS RESOLUTION R-277672

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District.
(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Fairmount Avenue between Ridge View Drive and Home Avenue. This is a scheduled project in the calendar year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9100742.

FILE LOCATION: STRT K-197

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108:

Three actions relative to the La Jolla Boulevard Phase II (Via del Norte to Nautilus St.) Underground Utility District:
(La Jolla Community Area. District-1.)

Subitem-A: (R-91-1671) ADOPTED AS RESOLUTION R-277673

Designating May 1, 1991 as the date upon which all property in the La Jolla Boulevard Phase II (Via Del Norte to Nautilus Street) Underground Utility District

must be ready to receive underground service and July 1, 1991 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-91-1672) ADOPTED AS RESOLUTION R-277674

Authorizing the City Auditor and Comptroller to open Fund No. 78038 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the La Jolla Boulevard Phase II (Via Del Norte to Nautilus Street) Underground Utility District; authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company; authorizing payment to all property owners in the La Jolla Boulevard Phase II (Via del Norte to Nautilus Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds 15 feet; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds upon written notice from SDG&E that all electric service conversions within a particular district have been completed.

Subitem-C: (R-91-1673) ADOPTED AS RESOLUTION R-277675

Authorizing the expenditure of an amount not to exceed \$16,000 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the La Jolla Boulevard Phase II (Via Del Norte to Nautilus Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The La Jolla Boulevard Phase II Underground Utility District was created by the City Council on January 14, 1986. The Resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set May 1, 1991 as the Customer Ready Date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish July 1, 1991 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in

financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

Aud. Cert. 9100734.

FILE LOCATION: Subitems A, B, and C STRT K-153

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109:

Two actions relative to a street dedication in Rancho de los Penasquitos:
(Penasquitos Community Area. District-6.)

Subitem-A: (R-91-1643) ADOPTED AS RESOLUTION R-277676

Approving the dedication of an easement for public street purposes in a portion of City-owned land in Rancho de los Penasquitos and in Lot 992 of Penasquitos Park View Estates Unit No. 4, Map-10044; dedicating said land as and for a public street and naming the same Black Mountain Road.

Subitem-B: (R-91-1644) ADOPTED AS RESOLUTION R-277677

Setting aside an easement for drainage purposes in a portion of City-owned land in Rancho de los Penasquitos and in Lot 992 of Penasquitos Park View Estates Unit No. 4, Map-10044.

FILE LOCATION: Subitem-A DEED F-5563, Subitem-B DEED F-5564
DEEDFY91-2

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-91-1657) ADOPTED AS RESOLUTION R-277678

Determining a water easement in Parcel 17 of Parcel Map PM-12698 to be surplus to the City and authorizing the sale of the easement for the processing fee to Mira Mesa Shopping Center - West; authorizing the execution of a quitclaim deed, quitclaiming to Mira Mesa Shopping Center - West, the water easement; declaring that no broker's commission shall be paid by the City on the negotiated sale.

(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: Application has been received by the Engineering and Development Department for the abandonment of a water easement acquired at no cost to the City in 1986, in conjunction with the development of Mira Mesa Shopping Center. That portion of the water easement being abandoned has never been used. The easement is located easterly of Regan Road, south of Mira Mesa Boulevard, and west of Camino Ruiz in the Mira Mesa area. All affected City departments have reviewed the easement and have indicated that there is no present or prospective public need for the easement. The abandonment has been reviewed by the Mira Mesa Community Planning Group, per Council Policy 600-15, and they have no objection to the abandonment. Therefore, Abandonment by Resolution is recommended.

WU-PR-91-149.

FILE LOCATION: DEED F-5565 DEEDFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-1645) ADOPTED AS RESOLUTION R-277679

Vacating the City's interest in an unneeded drainage easement affecting a portion of the Northwest Quarter of Pueblo Lot 176 of the Pueblo Lands of San Diego

pursuant to Section 8300 et seq. of the Streets and
Highways Code.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: An application from the affected property owner has been received by the Engineering and Development Department for abandonment of a drainage easement in a portion of the Northwest Quarter of Pueblo Lot 176 in the Peninsula area. This easement was acquired by deed in 1936, at no cost to the City, and there is no record of this easement ever being utilized for the purpose it was acquired. The subject easement has been reviewed by all affected City Departments and all have concluded there is no present or prospective public need for the easement. The abandonment has been reviewed and approved by the Peninsula Community Planning Board, Inc., per Council Policy 600-15; therefore, Abandonment by Resolution is recommended.

FILE LOCATION: DEED F-5566 DEEDFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-1705) ADOPTED AS RESOLUTION R-277680

Acknowledging and applauding the special contributions made by the Small Business Development Center of the Greater San Diego Chamber of Commerce and the small businesses within our community; designating May 5 through 11, 1991 to be "Small Business Week" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-91-1670) ADOPTED AS RESOLUTION R-277681

Authorizing the expenditure of an amount not to exceed \$49,125 from Gas Tax Fund 32191, CIP-37-028, Annual Allocation, Undergrounding of City Utilities, as payment to San Diego Gas and Electric Company, for the purchase and installation of eight new street lights to replace existing pole mounted street lights in the Marina "I" Blocks Underground Utility District.
(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: As part of the City's Utility Undergrounding Program, existing pole-mounted street lights must be replaced with new street lights when the overhead utilities are removed. The City owns all street lights, and it is necessary for the City to pay this cost. SDG&E has estimated the cost of purchasing and installing new street lights to be \$49,125 if installed by their contractor. The City has the option of purchasing and installing this street light through a City contract. However, the City's cost estimate for this project is \$53,682, which is more than SDG&E's cost estimate.

Aud. Cert. 9100736.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-91-1532) ADOPTED AS RESOLUTION R-277682

Amending Council Policy 700-1, adopted on March 15, 1962 by Resolution R-169962, regarding Sales to Other Government Agencies, to allow the sale of surplus City personal property at reduced prices to governmental agencies within San Diego County with which the City has mutual aid agreements for police or fire protection.

CITY MANAGER SUPPORTING INFORMATION: Both the Campo and Jamul Fire Protection Districts have made recent requests to purchase a surplus police car from the City at a reduced price. These vehicles normally bring less than \$4,000 each at auction. The

current policy for sales of City personal property and supplies to other government agencies extends only to Central Stores stock items. The proposed amendment to Council Policy 700-1 would allow the sale of surplus non-stock items at reduced prices to governmental agencies within San Diego County with which we have mutual aid agreements for police or fire protection. The Purchasing Agent would be authorized to make such sales if the amount of each sale is less than \$5,000. Price reductions shall not exceed \$1,000 per sale. Requests for such purchases are infrequent. Council approval would be sought for requests for reduced-price sales of larger items, such as fire apparatus. The wording of the current policy has also been revised to make it more clearly comport with the original intent of the policy.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-91-1648) ADOPTED AS RESOLUTION R-277683

Authorizing the City Manager to accept sewage from Tijuana, Mexico into the emergency connection of the Metropolitan Sewerage System, only upon the satisfaction of the City Manager and City Attorney that the conditions outlined in City Manager Report CMR-91-167 have been fulfilled.

(See City Manager Report CMR-91-167. San Ysidro and Tijuana River Valley Community Areas. District-8.)

WU-CWP-91-164.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-91-1686) ADOPTED AS RESOLUTION R-277684

Authorizing the execution of an amendment to the agreement of January 22, 1990 with Black & Veatch, Engineers - Architects, for additional professional services in connection with Point Loma Sedimentation Basins 11 and 12, together with further amendments or modifications which do not increase the project's scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and agreement; authorizing the expenditure of an amount not to exceed \$369,650 from the Sewer Revenue Fund (41506), CIP-46-134.0, to provide funds for the above project; authorizing the City Manager to finance or refinance this project with the proceeds of tax exempt securities, if circumstances warrant.
(District-2.)

CITY MANAGER SUPPORTING INFORMATION: In order to meet the discharge requirements for the Point Loma Wastewater Treatment Plant (PLWTP), as amended by the City's National Pollutant Discharge Elimination (NPDES) permit, and in order to meet Metropolitan Sewerage System projections, in January 1990 the City retained engineering services with Black & Veatch to provide construction documents for the PLWTP expansion project. This request is for authorization to amend the existing agreement with Black and Veatch to provide engineering design and construction support services for the additional work requested by the City. This additional design work includes providing construction documents for a new 108-inch diameter south effluent outfall connection, south throttling, metering and screening facilities, a new control and instrumentation system coordinating north and south effluent systems, and seismic analysis and structural design for the existing vortex structure. In addition, Amendment No. 1 deletes certain tasks outlined in the original agreement for a total amount of \$268,000 and reallocates these funds for the newly defined tasks and revises the schedule for the new scope of work as outlined in Amendment No. 1. Total MBE/WBE participation for the total contract is 11.5 percent (\$226,300), and 0.8 percent (\$15,000) respectively.

Aud. Cert. 9100719.

WU-U-91-114.

FILE LOCATION: MEET CCONT FY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-91-1667) ADOPTED AS RESOLUTION R-277685

Authorizing the execution of an agreement with ERC Environmental and Energy Services, for as-needed environmental consultant services for the Water Utilities Department, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$200,000 consisting of \$100,000 from the Water Operating Fund No. 41500, Water Operating Engineering Program (70830), and \$100,000 from the Sewer Revenue Fund No. 41506, Sewer Operating Engineering Program (70820), for the purpose of providing funds for the above project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances warrant.

CITY MANAGER SUPPORTING INFORMATION: On May 4, 1990, an advertisement was placed in the San Diego Daily Transcript for Environmental Consultant Services to be provided, as needed, for the Water Utilities Department. These services would include environmental evaluation reports and preliminary hazardous waste material analyses for water and sewer projects. These reports and analyses will help to avoid construction delays by anticipating mitigative measures and selecting appropriate sites and pipeline alignments. The City's Consultant Nominating Committee reviewed the letters of interest from ten qualified consultants, including one WBE and one MBE. On June 13, 1990, the Consultant Nominating Committee nominated six firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on July 27, 1990, with the exception of the MBE firm who declined, and ERC Environmental & Energy Services was selected as the best qualified to provide the consulting services. The agreement provides for environmental consultant services by task orders on an hourly fee basis not to exceed \$15,000 per task. The total contract shall not exceed \$200,000 for a period of two years from the date of execution by the City.

Aud. Cert. 9100739.

WU-U-91-104

FILE LOCATION: MEET CCONT FY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-91-1669) ADOPTED AS RESOLUTION R-277686

Authorizing the execution of an agreement with HYA Consulting Engineers, for as-needed engineering consultant services for the Water Utilities Department, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$200,000, consisting of \$100,000 from the Water Operating Fund No. 41500, Water Operating Engineering Program (70830), and \$100,000 from the Sewer Revenue Fund No. 41506, Sewer Operating Engineering Program (70820), for the purpose of providing funds for the above project; authorizing the City Manager to finance or refinance this project with tax exempt securities, if circumstances so warrant.

CITY MANAGER SUPPORTING INFORMATION: On May 4, 1990, an advertisement was placed in the San Diego Daily Transcript for Engineering Consultant Services to be provided, as needed, for the Water Utilities Department. These services would include design and analysis that require specific civil engineering expertise that cannot be provided by City staff. The City's Consultant Nominating Committee reviewed the letters of interest from ten qualified consultants, including one MBE and one WBE. On June 13, 1990, the Consultant Nominating Committee nominated five firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on August 23, 1990, and HYA Consulting Engineers, an MBE firm, was selected as the best qualified to provide the consultant services. The agreement provides for engineering consultant services by task orders on an hourly fee basis not to exceed \$15,000 per task. The total contract shall not exceed \$200,000 for a period of two years from the date of execution by

the City Manager.

Aud. Cert. 9100740.

WU-U-91-103.

FILE LOCATION: MEET CCONT FY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-119: (R-91-1628) ADOPTED AS RESOLUTION R-277687

Authorizing the execution of an amendment to the agreement with Equitable Life Assurance Society of the United States to extend the agreement for a one-year period beginning July 1, 1990 through June 30, 1991, and to authorize a premium rate decrease as follows:

Basic Life \$0.11 per \$1,000
Accidental Death and Dismemberment \$0.03 per \$1,000

CITY MANAGER SUPPORTING INFORMATION: On October 12, 1987, an agreement was executed between the City of San Diego and the Equitable Life Assurance Society of the United States for the employee group life insurance contract for a three year period with guaranteed rates. A market analysis was conducted in March 1990 and Equitable was determined to be best choice for the City of San Diego employees. The rates decreased from \$.15 per \$1,000 to \$.11 per \$1,000 for the Basic Employee Life coverage entering the extended agreement. These rates are guaranteed for a three year period.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-120: (R-91-1635) ADOPTED AS RESOLUTION R-277688

Authorizing the execution of an agreement with Employee Benefits Plan, Inc. to provide administrative services for the CITYMED Health Plan for the period beginning March 19, 1990 through July 31, 1991 at the listed fee structure as follows:

Effective Date	Per Member Per Month
3/19/90	\$5.15
8/01/90	\$5.46
1/01/91	\$6.25

CITY MANAGER SUPPORTING INFORMATION: Effective March 19, 1990 Employee Benefits Plan, Inc. (hereinafter referred to as EBP) purchased certain assets of August International, and the third party administration (August Fund) clients which included the City, pursuant to R-274335. When EBP bought out August International they submitted to the City an Assumption and Consent Agreement for consideration which stated that EBP would assume the original terms of the agreement with August International through the duration of the three year period ending July 31, 1992. Before entering into such an agreement, City staff, along with an outside expert consultant, toured and evaluated EBP's facilities to ensure the City's needs would be satisfied. Simultaneously, alternative Third Party Administrators were reviewed. A decision was made to pursue an agreement with EBP at the conclusion of these reviews. However, the City proposed more specific and tighter performance standards regarding claims accuracy and claims turnaround time to be included in the agreement. Upon review of our proposed performance standards, EBP determined an increase of the administrative fee would be necessary to comply with the elevated performance standards. Based on the information presented in City Manager's Report CMR-90-478, it was decided to accept EBP's proposal which included the increased administrative fee relative to the higher performance standards, and enter into an assumption and consent agreement with EBP.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-121: (R-91-1629) ADOPTED AS RESOLUTION R-277689

Authorizing the execution of an agreement with First Equicor Life Insurance Company to provide stop loss insurance for the CITYMED Health Plan for a one-year period beginning August 1, 1990 through July 31, 1991; and authorizing the cost of this coverage as follows:

\$150,000 Specific	\$3.03 per member per month
125 percent Aggregate	\$0.70 per member per month

CITY MANAGER SUPPORTING INFORMATION: The CITYMED Health Plan's lifetime maximum increased from \$250,000 to \$1 million effective July 1, 1989. It was anticipated that stop loss insurance would be implemented in conjunction with this increase to keep CITYMED's risk exposure at \$250,000. The City was unable to obtain stop loss coverage at this time due to the lack of credible claims experience data. With this in mind it was decided to include stop loss insurance as a condition of our life insurance agreement. Foster Higgins, the City's benefit consultant, conducted a market analysis and determined the most favorable arrangement for the City was to enter into a one year agreement for stop loss insurance with First Equicor Life Insurance. This agreement limits CITYMED's claim exposure to \$150,000 for specific individual claims and an aggregate amount of 125 percent of projected claims. Once these limits are reached the stop loss insurance pays the remainder of the incurred claims. The cost of this coverage is as follows:

Specific	\$3.03 per member per month.
Aggregate	\$.70 per member per month.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-91-1685) ADOPTED AS RESOLUTION R-277690

Authorizing the execution of a first amendment to the agreement with Nolte and Associates to provide consultant services for the Resubdivision of Eastgate Technology Park Unit No. 1; authorizing the expenditure of an amount not to exceed \$63,600 from CIP-39-202.0,

Eastgate Technology Park Unit No. 3, Fund No. 30248,
for the purpose of providing funds for the above
project.
(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On May 14, 1990, the City Council approved a consultant services agreement with Nolte and Associates to create three new Parcel Maps and Tentative Subdivision Map for the area currently defined by Lots 2, 3, 4, 5, 6, 7, and 8 of Eastgate Technology Park Unit 1. The new tentative subdivision map (to be filed over existing Lots, 3, 4, and 5) and parcel maps (to be filed over existing Lots 2, 7, and 8) will create 17 smaller lots from six existing lots. After the execution of the agreement, Westerra Development Corp. (a potential lessee) began processing a parcel map to be filed over existing Lot 4. Therefore, in lieu of a tentative subdivision map for Lots 3, 4, and 5, it will be necessary for Nolte and Associates to provide individual tentative Parcel Maps for Lots 3 and 5. Additionally, it would be prudent to have Nolte provide the appropriate Final Parcel Maps and public improvement plans for these lots. This change in scope will require that the existing contract be increased by \$63,600. Since Nolte and Associates was the consultant on the initial subdivision of Eastgate Technology Park, the City Council approved the waiver of Council Policy 300-7 and hired the consultant as a sole source. There are no subconsultants working on this project, and Nolte and Associates is neither a certified MBE nor a WBE firm.

Aud. Cert. 9100758.

FILE LOCATION: SUBD Resubdivision of Eastgate Technology
Park Unit No. 1 CCONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-123: (R-91-1660) ADOPTED AS RESOLUTION R-277691

Authorizing the City Manager to accept a grant of \$20,000 from the County of San Diego and to execute an agreement entitled "Integrated Waste Management Planning and Funding Agreement," with the County of San Diego; authorizing the City's Waste Management

Department to utilize the services of the technical consultant selected by the County of San Diego through a competitive process to assist with the development of the City's Source Reduction and Recycling Plan required by AB 939; authorizing the expenditure of an amount not to exceed \$70,000 from Fund 412, Dept. 751, Object Account 4151, Job Order 7320, for consulting services related to the development of the City's Source Reduction and Recycling and Hazardous Waste Management Elements of AB 939 mandated Integrated Waste Management Plan.

CITY MANAGER SUPPORTING INFORMATION: AB939, the California Integrated Waste Management Act of 1989, requires each City to prepare Source Reduction and Recycling and Hazardous Materials Elements for incorporation into the Countywide Integrated Waste Management Plan. These elements must be submitted to the County by July 1, 1991. The AB939 Task Force recommends the use of a common consultant to assist all 18 cities in the County to prepare the required plans to achieve a uniform format which can readily be incorporated into the Countywide Plan. The Board of Supervisors authorized the funding of plan development activities by the cities from the County's Solid Waste Enterprise on the basis of fifty cents (\$.50) per capita with a \$20,000 minimum per City, except for the City of San Diego. Since the City operates its own landfill, its contribution to the County's Enterprise Fund is not comparable to other cities which are totally dependent on the County's landfill system for waste disposal. The City will receive the \$20,000 minimum grant because a portion of the City's wastes are disposed of in County landfills. Under the agreement to receive the grant monies, the City would be able to utilize the services of the County selected consultant for plan development activities. Use of the County's consultant would save the cost and time required to independently select a consultant. The City has been involved in all phases of the County's selection process including interviews of all firms responding to the RFP.

Aud. Cert. 9100716.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-124: (R-91-1661) ADOPTED AS RESOLUTION R-277692

Approving an amendment to the San Diego County Hazardous Waste Management Plan, previously approved by Resolution R-274121 on July 31, 1989, through substituting revised pages IX-35, IX-36 and IX36a, into the Plan.

CITY MANAGER SUPPORTING INFORMATION: In July of 1989, the City Council, together with all other city councils in the county and the County Board of Supervisors, adopted the San Diego County Hazardous Waste Management Plan. But San Diego's plan was not approved by the State Department of Health Services (DOHS), which also did not approve many other county plans. The only issue in dispute in San Diego's plan was the issue of "Fair Share." An agreement has now been reached on a new definition for "Fair Share" by DOHS, the County Supervisors Association of California, and the Southern California Hazardous Waste Management Authority, of which the City of San Diego is a member. The change is minor. It incorporates language concerning proposed inter-governmental agreements to insure they are in place.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-125: (R-91-1688) ADOPTED AS RESOLUTION R-277693

Authorizing the execution of an agreement with the State of California for the maintenance and operation of jointly owned traffic signals and street lights and street sweeping on City and State Highways by the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION: The State Streets and Highways Code provides that cities may perform maintenance on State Highways on a reimbursable basis where it is mutually advantageous to both agencies to do so. Conversely, the City may agree to have the State perform maintenance on mutually owned facilities if it wishes to do so. Such circumstances exist in San Diego and both organizations wish to update the agreement for

such cooperation. The new Delegated Maintenance Agreement (DMA-4016) supersedes an existing agreement executed on July 1, 1985. The new agreement is necessary because of substantial changes in State maintenance delegated to the City. This new agreement calls for City street sweeping of only one State route, SD-209 (Rosecrans Street and part of Catalina Boulevard). City street sweeping of SD-15 (40th Street) and SD-274 (Balboa Avenue), has been eliminated from the agreement and will be maintained by the State. The agreement also reduces delegated maintenance of the number of traffic signals and street lights on State routes from 81 signalized intersections to 42, a trend that is to continue as CalTrans brings State routes under electronic surveillance. Correspondingly, the number of maintained street lights is also reduced from 471 to 304.

FILE LOCATION: MEET CONTFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-126: (R-91-1431) ADOPTED AS RESOLUTION R-277694

Amending the Conflict of Interest Code for the City of San Diego's Housing Commission.
(See Housing Commission Report HCR-91-005CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (O-91-143) INTRODUCED, TO BE ADOPTED APRIL 29, 1991

Introduction of an Ord. amending Chapter IV, Article 5, Division 1, of the San Diego Municipal Code by amending Sections 45.0101, 45.0102, 45.0104, 45.0105, 45.0107,

45.0108, 45.0109, 45.0110 and 45.0111, and by adding
Section 45.0112, relating to Smoking Regulations.
(See City Manager Report CMR-91-97.)

COMMITTEE ACTION: Reviewed by PSS on 2/20/91. Recommendation to
accept the City Manager's report. Districts 2, 4, 5 and 7 voted
yea. District 3 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: G316-346.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCE AND DIRECT THE
CITY MANAGER TO REPORT BACK IN SIX MONTHS ON THE EFFECT OF
THE ORDINANCE ON RESTAURANT AND BAR EMPLOYEES. Second by
Pratt. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-151: (R-91-1616) ADOPTED AS RESOLUTION R-277695

Establishing Council Policy 900-9 regarding Lender
Community Reinvestment Act Programs.
(See Legislative specialist Analysis PSS-91-6 and City
Manager Report CMR-91-49.

COMMITTEE ACTION: Initiated by PSS on 1/30/91. Recommendation
to accept the City Manager and Legislative Specialists's
recommendations, including adoption of Council Policy 900-9.
Districts 3, 4, 5 and 7 voted yea. District 2 not present.

CITY MANAGER SUPPORTING INFORMATION: At its January 30, 1991
meeting, the Public Services and Safety Committee approved the
proposed Council Policy 900-9. The proposed policy outlines the
types of activities the Council wishes to encourage banks to
undertake, calls for San Diego-specific community reinvestment
programs from all banks doing business in the City, and calls for
preparation of a San Diego Community Reinvestment Master Plan.
Adoption of the proposed policy will provide immediate guidance
to lending institutions, will demonstrate the City's intention to
proactively encourage community reinvestment, and will provide a
framework for the called-for Master Plan. The Committee referred
the Master Plan preparation to the City-County Reinvestment Task
Force and has scheduled a follow-up report for May 1.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200:

(Continued from the meetings of March 19, 1991, Item 330 and March 25, 1991, Item S400; last continued at Deputy Mayor Filner's request, to allow additional time to negotiate, and to research alternate sites for the project.)

Appeal of Watermark, Ltd., by John D. Thelan of Odmark & Thelan, from the decision of the Planning Commission in approving Conditional Use Permit CUP-90-0907 (Teen Quest), with modifications. This permit would allow location of a transitional housing facility for 30 homeless boys and girls in an existing converted warehouse building located at 633 State Street, in the Marina Redevelopment Area, in the Centre City Community Plan area. The subject property is more particularly described as Lots C to L inclusive, Block 27, New San Diego Addition.
(CUP-90-0907. District-8.)

Subitem-A: (R-91-1854) ADOPTED AS RESOLUTION R-277696

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-0907 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-1855) DENIED APPEAL, GRANTED PERMIT
ADOPTED AS RESOLUTION R-277697

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM CUP-90-0907

COUNCIL ACTION: (Tape location: G354-J093.)

Hearing began 6:35 p.m. Hearing halted 8:18 p.m.

Testimony in favor by John Thelan, Pam Hamilton, Arn Loomis, John Frazier, Sheldon Dreebin, Wayne Proctor, James Bass, Robert O. Kahse, and Ted Odmark.

Testimony in opposition by The Honorable Michael Imhoff, Joseph Cuseo, Everett McGlothlin, Sandra McBeayer, Tawnya Grandy, Harvey Mandel, and Father Joe Carroll.

Motion by Filner to uphold the appeal and deny the Conditional Use Permit. Direct the Planning Department and CCDC to find an alternative site and to report back in 60 days, and to work with the State and Federal agencies to get an extension of the grants. No second.

MOTION BY HENDERSON TO DENY THE APPEAL AND GRANT THE PERMIT SUBJECT TO THE REQUIREMENT THAT EVERY SIX MONTHS TEEN QUEST REPORT TO COMMITTEE ON THE PROGRESS OF FINDING A PERMANENT LOCATION FOR THE FACILITY. DIRECT THE PLANNING DEPARTMENT TO WORK WITH THE APPLICANT TO HELP TEEN QUEST FIND A PERMANENT LOCATION AND TO ATTACH THE FEDERAL MANDATE REGARDING STAFFING TO THE PERMIT. THE CONDITIONAL USE PERMIT TO BE IN EFFECT THREE YEARS, NOT TO EXCEED FOUR YEARS FROM DATE OF APPROVAL. Second by Pratt. Passed by the following vote: Wolfsheimer-ineligible, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-201: CONTINUED TO APRIL 22, 1991, 2:00 P.M..

Consideration of Coastal Development Permit CDP-90-0759, under the provisions of Centre City Emergency Ordinance and Overlay Zone including exceptions to allow the construction of a 210 room hotel at 1533 Pacific Highway between Beech and Cedar, described as Lots 3, 4, 7, 8, 9, 10 excepting the northerly 13 feet of Lot 10, Block 288, Middletown, City of San Diego, Centre City community planning area. (CDP-90-0759. District-8.)

Subitem-A: (R-91-)

Adoption of a Resolution certifying that the

information contained in Mitigated Negative Declaration EMND-90-0759 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-)

Adoption of a Resolution to approve the project,
subject to conditions of approval.

FILE LOCATION: PERM CDP-90-0759

COUNCIL ACTION: (Tape location: B330-335.)

MOTION BY McCARTY TO CONTINUE TO APRIL 22, 1991, 2:00 P.M.
AT THE REQUEST OF ATTORNEY MILCH. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Bernhardt-not present,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: CONTINUED TO APRIL 29, 1991

(Continued from the meeting of April 8, 1991, Item 33,
at Councilmember Wolfsheimer's request, for further
review.)

In the matter of reconsideration of the Council's
action taken on February 19, 1991, in connection with
Item 330, a request for Conditional Use Permit
CUP-89-0540 for the development of a waste management
facility on a previously graded 2.79-acre site, located
on the south side of Consolidated Way at Milch Road, in
Zone M-1A.
(Mira Mesa Community Area. District-6.)

NOTE: This matter was deemed denied at the Council meeting of
February 19, 1991 by a 4-4 vote. On a motion by Councilmember
McCarty (second by Wolfsheimer) to approve the permit, Districts
1,3,4 and 7 voted yea; Districts 2,5,6 and Mayor voted nay.
District 8 not present.

- A: Waiving Rule 34 of the Permanent Rules of the Council to
allow reconsideration.
- B: Granting the reconsideration.
- C: Setting the matter for a future public hearing.

FILE LOCATION: PERM CUP-89-0540

COUNCIL ACTION: (Tape location: B159-163.)

MOTION BY WOLFSHEIMER TO CONTINUE TO APRIL 29, 1991, FOR THE NEW COUNCIL MEMBER TO BE PRESENT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S401: (R-91-1740) ADOPTED AS RESOLUTION R-277698

Declaring April 21, 1991 as "Pauline and Stanley Foster Day" in San Diego; and commending them for their inspiring example of humanitarian and outstanding contributions to our community.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402:

Two actions relative to the Construction of Scripps Miramar Ranch Branch Library:
(BID-K2240/91)
(Scripps Miramar Ranch Community Area. District-6.)

Subitem-A: (R-91-1545) ADOPTED AS RESOLUTION R-277699

Inviting bids for the Construction of Scripps Miramar Ranch Branch Library on Work Order No. 119118; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$228,947 from FBA Fund 79007, Scripps Miramar Ranch, to CIP-350600 for land, construction, and furnishings; authorizing the transfer of \$8,800 from Miramar Ranch North Facility Development Fund 39050 to CIP-350600; authorizing the transfer of \$1,236,700 from Development Agreement Fund 39210; authorizing the expenditure of \$1,879,420 from CIP-350600, FBA Fund 79007 for land, construction, and

furnishings; authorizing the expenditure of \$126,580 from CIP-350600, Miramar Ranch North Facility Development Fund 39050; and authorizing the expenditure of the following amounts from CIP-350600, Miramar Ranch North Development Agreement Funds, for the purpose of executing this contract and related costs:

a)	Fund No. 39210	-	\$2,000,000
b)	Fund No. 39216	-	\$ 147,420
c)	Fund No. 39214	-	\$ 28,080
d)	Fund No. 39211	-	\$ 34,983
e)	Fund No. 39213	-	\$ 23,517
	Total		\$2,234,000

Subitem-B: (R-91-1546) ADOPTED AS RESOLUTION R-277700

Certifying that the information contained in Environmental Negative Declaration DEP-91-0154, dated 3/8/91, in connection with the construction of Scripps Ranch Business Park Phase III, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This project will provide a 20,000 square foot library complete with books, furnishings, landscaping, and parking in the former Meanly Ranch House site. This branch will serve both the Scripps Ranch and Miramar Ranch North Communities. The architecture will be in the "Mission Revival" style and will incorporate many features of the Meanly House. It will also replace an existing store-front library in Scripps Ranch. In addition to grading, the developer, Currie/Samuelson Development Group, has also provided pathways and landscaping around the Evans Pond area just east of the library which they will maintain for a five-year period. This project is identified in and is consistent with the Scripps Miramar Ranch Community Plan and is in accordance with the City's General Plan guidelines.

Aud. Cert. 9100728.

FILE LOCATION: Subitems A and B W.O. 119118 CONT - Harper Construction Co., Inc. CONFY91-1

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-91-1658 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-277701

(Continued from the meeting of April 8, 1991, Item 150,
at Councilmember McCarty's request, for full Council.)

Approving the City Manager's TransNet Report;
authorizing the City Manager to submit transportation
projects described in Table 2 of that report to San
Diego County Regional Transportation Commission as the
City's Five-Year Expenditure Plan (Fiscal Years
1992-1997) for TransNet funds.
(See City Manager Report CMR-91-159.)

COMMITTEE ACTION: Reviewed by TLU on 12/10/90. Referred to
the City Council without a recommendation. Districts 1, 2, 4 and
8 voted yea. District 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B176-B310, B335-G329.)

MOTION BY McCARTY TO DEFER THE FIRST PHASE OF MISSION GORGE
ROAD WIDENING FOR ONE YEAR, DEFER THE SECOND PHASE UNTIL
MISSION TRAILS PARKWAY IS COMPLETED, AND ACCEPT THE CITY
MANAGER'S TRANSNET REPORT AND AUTHORIZE THE CITY MANAGER TO
SUBMIT IT TO SANDAG. Second by Henderson.

Substitute motion by Hartley to approve the Manager's report
No 91-159 for Transnet expenditures with the following
amendments:

1. Delete Jackson Drive and Transnet Funding for Jackson
Drive.
 2. Fund the Neighborhood Transportation Projects with
Transnet Funding that has been freed from Jackson Drive.
 3. Create a project in the Capital Improvement Program
specifically for Neighborhood Transportation Projects.
 4. Direct the City Manager to return within one year with a
prioritized list of Neighborhood Projects that has been
developed with community input. Second by Bernhardt.
- The question was divided. The vote on the first part of the
substitute motion to delete Jackson Drive and TransNet
Funding for Jackson Drive failed by the following vote:
Yeas-1,2,3,5. Nays-4,6,7,8,M.

By common consent the second part of the substitute motion on the question of neighborhood participation and prioritizing Capital Improvement Projects was referred to the budget process.

AMENDMENTS BY FILNER TO 1. DEFER CIP #52-501--MISSION GORGE ROAD FROM PRINCESS VIEW TO CITY LIMITS. 2. DEFER CIP #52-432--MISSION GORGE FROM OLD CLIFFS ROAD TO PRINCESS VIEW FROM FY'92 TO FY'93; TO BE FUNDED BY A BOND. 3. MOVE CIP #52-436--NATIONAL AVENUE FROM SR-15 TO 43RD STREET UP ONE YEAR, DESIGN FY'92 AND CONSTRUCTION FY'94. 4. ADD RECONSTRUCTION OF 25TH STREET, BETWEEN RUSS BLVD. AND SR-94, AND ADJACENT STREETS, FY'92. 5. ADD RECONSTRUCTION OF JAMACHA ROAD BETWEEN MEADOWBROOK DRIVE TO CARDIFF STREET, FY'95. 6. ADD WIDENING OF CROSBY STREET BETWEEN HARBOR DRIVE AND I-5, FY'93. 7. ADD RECONSTRUCTION OF IMPERIAL AVENUE BETWEEN I-805 AND 69TH STREET, FY'92. 8. ADD TO CIP #52-166.1--SAN YSIDRO BLVD., SMYTHE AVENUE TO BORDER VILLAGE ROAD, FY'92. 9. ADD RECONSTRUCTION OF PALM AVENUE BETWEEN I-5 AND I-805 AND ADJACENT STREETS, FY'92. 10. ADD TO CIP #11-281--DAHLIA & DONAX DRAIN, FY'92. THE AMENDMENTS WERE ACCEPTED BY McCARTY AND HENDERSON WITH THE DIRECTION TO THE CITY MANAGER TO GO TO THE COMMUNITIES WITH THE PROPOSED PROJECTS DURING THE YEAR AND BRING THEM BACK TO COUNCIL.

By common consent the question was divided.

The vote on the amendments passed by the following vote:
Wolfsheimer-nay, Roberts-nay, Hartley-nay, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

The vote on the motion passed by the following vote:
Wolfsheimer-yea, Roberts-nay, Hartley-nay, Pratt-yea,
Bernhardt-nay, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S404: (O-91-144) TRAILED TO APRIL 16, 1991

(Trailed as Unfinished Business from the meeting of Tuesday, April 9, 1991, Item 50, due to lack of five votes.)

Amending Chapter V, Article 9, Division 1 of the San Diego Municipal Code by amending Section 59.0104, relating to Activities Prohibited within the San Diego Jack Murphy Stadium Parking Facility, by eliminating tailgating on the finger walkways and traffic turn

areas.

(Introduced on 3/25/91. Council voted 8-0. District 7 not present.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: J250.)

BY CONSENT MOTION THE ITEM WAS TRAILED TO APRIL 16, 1991 DUE TO LACK OF TIME.

ITEM-S405: (O-91-147) ADOPTED AS ORDINANCE O-17629 (New Series)

(Continued from the meeting of April 8, 1991, Item 52, at the request of Alan Perry, American Newland Associates.)

Approving the amendment to the Mercy Mira Mesa Development Agreement, between the City of San Diego and American Newland Associates.
(Case-89-0841. District-6. Introduced on 3/19/91. Council voted 6-0. Districts 2, 4 and Mayor not present.)

FILE LOCATION: DEVL - Mercy Mira Mesa Development Agreement

COUNCIL ACTION: (Tape location: G310-G329.)

MOTION BY PRATT TO DISPENSE WITH THE READING AND ADOPT.
Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S406: (R-91-1746) ADOPTED AS RESOLUTION R-277702

Proclaiming April 20, 1991 to be "Fanuel Street Park Day" in San Diego.
(Pacific Beach Community Area. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B160-175.)

CONSENT MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 8:32 p.m. in memory of Dr. Ralph C. Dailard.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J263.